

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHELLY HOWELL DBA HOWELL TALENT
RELATIONS,

Plaintiff,

v.

TAICOA CORPORATION, a New York
corporation, dba MICATO SAFARIS;
and DOES 1 through 100, Inc.

Defendants.

Case No. CV 12-3785-WHO

**ORDER GRANTING IN PART AND
DENYING IN PART THE PARTIES'
ADMINISTRATIVE MOTIONS TO FILE
DOCUMENTS UNDER SEAL, AND
DENYING PLAINTIFF'S MOTION TO
CONTINUE DEFENDANTS' MOTION
FOR SANCTIONS**

Dkt. No.: 47, 49

INTRODUCTION

Defendant Taicoa Corporation, d/b/a Micato Safaris ("Micato") filed a motion for sanctions against plaintiff Shelly Howell d/b/a Howell Talent Relations ("Howell") for allegedly willful destruction of evidence. Dkt. No. 48. Howell's opposition to the motion is due October 25, 2013. The motion is scheduled to be heard on November 20, 2013. The parties have filed administrative motions to file documents in seal in connection with their briefing for and in opposition to the motion for sanctions. *See* Dkt. Nos. 47, 49. Howell has also moved to continue the sanctions motion. Dkt. No. 49. For the reasons stated below, Micato's motion to file under seal is GRANTED, Howells's motion to file under seal is GRANTED IN PART and DENIED IN PART, and Howell's motion to continue the sanctions motion is DENIED.

DISCUSSION

1. Micato's motion to file under seal (Dkt. No. 47)

Micato has moved to file under seal three letters sent by Howell to purported celebrities to solicit their participation in Micato's safari. These letters were designated AEO by Howell. The letters contain Howell's "pitches" to celebrities and thus constitute trade secrets, disclosure of which

1 could cause Howell competitive harm. Good cause thus appears for filing these documents under seal
 2 and Micato's motion is GRANTED. Dkt. No. 47. Exhibit E to the Sherwood Declaration lodged with
 3 the Court shall be filed under seal.

4 **2. Howell's motion to file under seal (Dkt. No. 49)**

5 Howell has moved to file under seal i) 24 pages of its responses to Micato's interrogatories; ii)
 6 an email summary of "celebrities and/or their agents who were contacted by Plaintiff regarding the
 7 program and a summary of their interest in participating in the program," Dkt. No. 49 at 2; iii) the same
 8 solicitation letters Micato seeks to file under seal, addressed above; and iv) "further confidential and
 9 proprietary information concerning celebrities and their agents." Dkt. No. 49 at 3. The Court
 10 addresses each category. For the reasons stated below, Howell's motion is GRANTED IN PART and
 11 DENIED IN PART.

12 i. Responses to interrogatories

13 Howell states that "[t]he identification of celebrities and other information stated in the answers
 14 is confidential and proprietary and, therefore, should be filed under seal." Dkt. No. 49 at 2. Howell
 15 does not identify what "other information" among the 24 pages of responses should be filed under seal.
 16 The Court agrees that the identities of purported celebrities may properly be filed under seal as they
 17 constitute Howell's potential clients and, thus, a trade secret. However, the remaining information in
 18 the responses is not properly sealable. Accordingly, Howell shall file the document, lodged with the
 19 Court as Exhibit A to the Schwartz Declaration, under seal but shall file, in the public record, a version
 20 of this document that redacts only the names and personally identifying information of any purported
 celebrities.

21 ii. Email summary

22 As above, Howell shall file the email summary, lodged with the Court as Exhibit B to the
 23 Schwartz Declaration, under seal but shall file, in the public record, a version of the document that
 24 redacts only the names and personally identifiable information of any purported celebrities.

25 iii. Howell's solicitation letters to celebrities

26 As discussed above, these letters may be filed under seal.

27 iv. Additional, undisclosed confidential information

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1 The Court will not grant a motion to file undisclosed documents under seal. Howell may file a
2 motion to file these documents under seal concurrently with her opposition to Micato's motion for
3 sanctions.

4 **3. Howell's motion to continue sanctions motion (Dkt. No. 49)**


5 Howell has moved to continue the sanctions motion for one week in the event "the Court does
6 not have sufficient time to consider this request." Dkt. No. 49 at 3. As the Court has considered the
7 request to seal, Howell's motion to continue is DENIED. The Court notes that even if it had not
8 considered the request, it would have denied the motion to continue as the Court need not rule on a
9 motion to file under seal before the party files the underlying brief. Indeed, parties routinely file
10 motions to file under seal concurrently with their underlying motions. As noted above, to the extent
11 that Howell has additional confidential documents which support her opposition to Micato's motion for
12 sanctions, Howell may move to file those documents under seal at the time that she files her opposition
13 to the motion for sanctions.

14 **CONCLUSION**

15 For the reasons stated, Micato's motion to file under seal is GRANTED, Howell's motion to file
16 under seal is GRANTED IN PART and DENIED IN PART, and Howell's motion to continue the
17 sanctions motion is DENIED.

18 **IT IS SO ORDERED.**

19 Dated: October 21, 2013



20 WILLIAM H. ORRICK
21 United States District Judge
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